

Hughes  
Hubbard

Hughes Hubbard & Reed LLP  
One Battery Park Plaza  
New York, New York 10004-1482  
Telephone: 212-837-6000  
Fax: 212-422-4726  
hugheshubbard.com

June 27, 2007

FEDERAL EXPRESS

Jeffrey N. Lüthi, Esq.  
Catherine Maida  
Judicial Panel on Multidistrict Litigation  
Thurgood Marshall Federal Judiciary Building  
One Columbus Circle, N.E. Room G-255, North Lobby  
Washington, D.C. 20002-8004

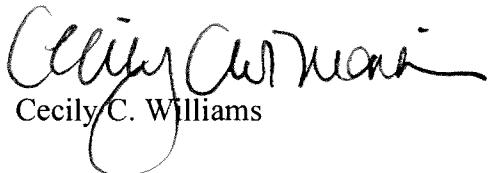
Re: In re: Fosamax Products Liability Litigation, MDL Docket No. 1789

Dear Sir and Madam:

Pursuant to J.P.M.L. Rule 7.5(e), Merck hereby notifies the Panel of potential “tag-along actions”. This letter is Merck’s 40<sup>th</sup> notification of potential “tag-along actions” and includes cases that have recently been filed in federal court. Courtesy copies of the complaint and docket sheet for each case are enclosed.

1. *Hamm v. Merck & Co., Inc.*, C.A. No. 3:07-cv-00234-RV-MD (N.D. Fla.)
2. *Mahanay, et al. v. Merck & Co., Inc.*, C.A. No. 3:07-cv-00233-MCR-EMT (N.D. Fla.)
3. *Hill v. Merck & Co., Inc.*, C.A. No. 3:07-cv-00320-JBC (W.D. Ky.)

Respectfully Submitted,

  
Cecily C. Williams

Enclosures